

EPA REGION III

◇Office of Public Affairs

◇PM Headlines

Wednesday, February 29, 2012

*** PM HOT LIST ***

Utilities announce closure of 10 aging power plants in Midwest, East

WASHINGTON-POST Two separate utilities announced the closure of 10 aging U.S. power plants Wednesday, a move environmental groups hailed as a major victory in their ongoing effort to phase out the nation's coal-fired electricity generation. Midwest Generation, which had come under intense pressure from environmental activists, Chicago residents and Chicago Mayor Rahm Emanuel, said it would retire its Fisk power plant in 2012 and Crawford plant in 2014. Both have been operating for decades in the middle of the city's Southwest side. GenOn Energy, meanwhile, issued a statement saying it would deactivate eight power plants — eight fired by coal and one by oil — between June 2012 and May 2015 because it would be too expensive to install pollution controls now required by the federal government. The Environmental Protection Agency finalized rules in December that require utilities for the first time to curb the amount of mercury and other air toxins they release in the air.

Upper Mount Bethel power plant will shut down in 2015

ALLENTOWN MORNING-CALL New environmental regulations will make the Portland Generating Station too unprofitable to run, eliminating 70 jobs, officials said. The Portland Generating Station, an Upper Mount Bethel coal plant whose decades-old infrastructure made it a target of environmentalists, will shut down in 2015, officials said. In a statement released Wednesday, Houston power company GenOn Energy said it will close the Portland plant and seven others between 2012 and 2015, saying new environmental laws made them unprofitable. The other affected plants are in Elrama, Pa; Niles, OH; Avon Lake, OH; New Castle, Pa.; Shawville, Pa.; Titus, Pa.; and Glen Gardner, N.J. The Upper Mount Bethel plant will close in January 2015. The Portland plant, which employs more than 70 people in the Slate Belt, came under fire in recent years for voluminous emissions of sulfur dioxide and other airborne toxins, which have been linked to increased asthma rates in New Jersey. In 2010, New Jersey Department of Environmental Protection filed a petition with the federal Environmental Protection Agency to force the plant to reduce emissions.

Portland Generating Station, Glen Garner electric station to be deactivated by GenOn in 2015

LEHIGHVALLEYLIVE.COM GenOn Energy Inc. in 2015 will close electric generating stations in Upper Mount Bethel Township and Glen Gardner due the cost of upcoming environmental regulations, according to a news release sent this morning to politicians in affected communities. The Portland Generation Station, which

employs 80 people in Upper Mount Bethel, will go offline in January 2015 and the Glen Gardner station will shut in May 2015, according to the news release. In all, eight stations will closed between June of this year and May 2015 in Pennsylvania and New Jersey, the company reports. [See also PennEnergy: [GenOn plans to deactivate 3140 MW of coal-fired generating capacity](#)].

Rawlings-Blake seeks "meaningful" water funds

BALTIMORE-SUN Mayor Stephanie Rawlings-Blake told a congressional panel Tuesday that the federal government must maintain funding for water and wastewater projects because cities such as Baltimore don't have the resources to make required upgrades to antiquated systems on their own. "Local governments cannot carry the financial burden by themselves," Rawlings-Blake told the Senate Subcommittee on Water and Wildlife. "We can't do it just on the back of ratepayers." Without "meaningful" federal funding for water infrastructure projects, she said, the city will continue to struggle with water main breaks such as the one in 2009 that flooded 100 homes in Dundalk. Many miles of underground pipes that deliver drinking water to the Baltimore area are more than a century old. City leaders across the country and environmental advocates have raised concerns about cuts to water and wastewater programs proposed in President Barack Obama's 2013 budget. The spending plan calls for a \$69.3 million cut in drinking water projects and a \$268 million reduction for wastewater treatment projects. Environmental groups say that could amount to a \$7 million cut for Maryland. The reductions to water projects come after several years of increases. The administration's budget is only a broad guideline and few expect the divided Congress to follow it. Rawlings-Blake

Clearfield County to Consider Impact Fee Ordinance

GANT DAILY CLEARFIELD – The Clearfield County Commissioners authorized advertising the county's consideration of an ordinance to adopt an unconventional gas well impact fee at Tuesday's regular meeting. County Solicitor Kim Kesner said initially, he wanted to craft an ordinance that would be more advantageous for the county, as the "epicenter" of the Marcellus Shale industry. However, he said legislation has it mapped out for them in a sample ordinance, which he found sufficient. Kesner indicated he didn't foresee where the county could legally add anything to the sample ordinance, stating it was in the hands of the Public Utility Commission, which will be distributing the impact fee. He recommended the commissioners authorize Chief Clerk Lisa McFadden to move forward with the proper advertising. The commissioners voted 3-0 to advertise the ordinance's consideration. A special meeting will be announced for the commissioners to give further consideration to the ordinance, and the county has 60 days to adopt one, according to Commissioner Joan Robinson-McMillen. She noted that the city is operating under federal mandates to improve the way it treats storm water, which can cause pollution in the Chesapeake Bay.

New Map Shows Location of Nation's Most Toxic Industrial Boilers

INSIDE CLIMATE NEWS Most of the biggest polluting industrial boilers are in manufacturing states east of the Mississippi River, but 68 dot the West coast states. WASHINGTON—Industries in North Carolina, Pennsylvania and South Carolina will have the most catching up to do when—and if—EPA begins forcing factory owners to tackle toxic emissions from boilers powering their manufacturing plants. That's what Earthjustice discovered recently by creating a map pinpointing the whereabouts of the 1,753 industrial boilers that would be forced to curb pollutants under new regulations crafted by the Environmental Protection Agency. The bulk of the "offending" boilers are operating in manufacturing-heavy states east of the Mississippi River.

\$10 Million in the Balance: Two Days Left to Apply for Grants

ECOSYSTEM MARKETPLACE 29 February 2012 | Time is running out for those looking to apply for \$10 million in Conservation Innovation Grants (CIG) that the United States Department of Agriculture (USDA) is offering to help launch water-quality trading (WQT) programs across the country. The grants are especially targeted at cross-border programs focusing on quality across watersheds (rather than just within state boundaries) and at

programs that create the kind of infrastructure needed for well-functioning markets. Eligible projects must be able to show that they can already cover more than half of their costs with funding from non-federal sources, and the projects must also involve producers who are eligible for the Environmental Quality Incentives Program (EQIP), which is a voluntary conservation support program running under the USDA's Natural Resources Conservation Service (NRCS). If you have an idea, however, you have to act fast: the deadline to apply is Friday, 2 March. Half the money is targeted at projects in the Chesapeake Bay watershed, which includes the District of Columbia and parts of New York, Pennsylvania, Delaware, Maryland, Virginia, and West Virginia. The other half can be anywhere in the US or its territories, including Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

Montgomery County township officials discuss water runoff

THE NORRISTOWN TIMES HERALDFRANCONIA — New rules to control what happens to the rain that falls on your property keep flowing down. “The rubber is now at the point where it’s meeting the road,” Larry Comunale, Lower Gwynedd’s township manager, said at the Feb. 24 Montgomery County Association of Township Officials Spring Convention. “Needless to say,” Comunale said, “there’s no federal or state money available to us to try to meet this mandate.” “You’re gonna have things in your budget that you never had before and you’re gonna have residents asking why do we even have to manage storm water?” said Michael Fox, vice chairman of the Montgomery Township Board of Supervisors and a leader of the Pennsylvania Stormwater Coalition, which includes almost 60 towns. The rules are designed to fight the pollution that is picked up from driveways, streets and fertilizers, and carried into streams, he said. “There is a real purpose to this. There is damage that’s been done,” Fox said. Most of the streams in this area are rated as being impaired, he said. The U.S. Environmental Protection Agency and Pennsylvania Department of Environmental Protection, however, are also telling Pennsylvania towns to undo the effects of the runoff that has occurred over the past 150 years, he said. Part of what that means is the towns cannot allow more runoff to enter the waterways and will have to make sure development does not increase the runoff, he said.

Advisory group to hear update on health of Presque Isle Bay

ERIE TIMES-NEWSPresque Isle Bay was a dump. The sediment had contaminants. The brown bullhead catfish had tumors. Many residents wanted their bay declared an "Area of Concern," a move they believed would help get it cleaned up. Presque Isle Bay received the designation in 1991. Conditions had improved enough by 2002 for it to be upgraded to an "Area of Concern in the Recovery Stage." Now, officials are taking steps toward having the bay removed from the concern list altogether. "That's our goal," said Lori Boughton, head of the Pennsylvania Department of Environmental Protection's Office of the Great Lakes. The DEP will present information today to the Presque Isle Bay Public Advisory Committee. Boughton said that's the first step toward getting the bay delisted and acknowledging that while the fish still have some lumps and bumps, the ecosystem has improved.

Mining company says \$40 million project will help clean watershed

WJACTV.COMST. MICHAEL, Pa. — A local mining company has big plans for the future of the Conemaugh River. The company said it found a way to stop more than 3,700 tons of acid mine drainage. Rosebud Mining Company is so confident with its proposed plans that it put down \$15 million and has already started construction on a treatment plant, before receiving final approval from the federal government. Much like the Conemaugh River, shades of red can be seen in Topper Run. Behind the St. Michael fire department is the abandoned Maryland No. 1 mine shaft and the 3,500 gallons of acid mine drainage that pour out every minute. Rosebud Mining has been mining near the area for about five years but its work will soon come to an end if its can't drain the mine pool below. "The only way we can go lower than 1,604 elevation is to lower the mine pool," said John Garcia, a spokesperson for Rosebud. "Our permit right now allows us to mine below 1,604 only if we de-water." That's why Rosebud has agreed to pay more than \$40 million on a project that will not only allow them to mine deeper, but also clean up the watershed.

Graph of the Day: Suburbanites Pollute More

WASHINGTON CITY PAPER You've already heard this: People who live in cities pollute less and waste less than people who live in the suburbs. Not because they're better people, necessarily, but because their surroundings just allow them to be more efficient. But how do we know, really? It's reasonably easy to track things like energy, water, and garbage—all those things come from a single geographical point, after all. Measuring stuff in the air, however, becomes a bit more complicated. Take fine particulates, for example—the soot, dirt, dust, and smoke known in the business as PM2.5. That can come from four different kinds of sources: Point (fixed emitters like smokestacks), Area (smaller point sources like cooking and dry cleaning), Non-road (construction, logging, boating, etc) and On-road (your trucks and passenger vehicles).

Rossen Reports: Is your child breathing radon gas at school?

MSNBC *What experts call a serious threat in our nation's schools is invisible to the naked eye. TODAY National Investigative Correspondent Jeff Rossen reports.* When we send our children to school, we assume that they're safe; that they're learning in a healthy environment. But health officials say there's a danger in the air: a toxic cancer causing gas in thousands of classrooms nationwide. And, we found, many districts are doing nothing about it. We visited a school in Pennsylvania and found second-graders are ready to learn. But what the kids can't see, smell or taste are high levels of radioactive radon gas inside their classrooms. Tests show nearly double the EPA's accepted limit. Radon develops from the breakdown of soil and rock, seeping into buildings and the air we breathe. Chronic exposure, experts say, could be deadly. And perhaps most disturbing, victims usually don't realize they have been exposed until years later, when it's too late.

***** MORNING HOT LIST *****

EPA Greenhouse Gas Rules Under Scrutiny in Two-Day Hearing

BLOOMBERG NEWS SERVICE The U.S. Environmental Protection Agency's limits on vehicle and industrial emissions of greenhouse gases including carbon dioxide are being scrutinized by U.S. judges as a two-day court hearing began in Washington. The three-judge panel of the U.S. Court of Appeals is considering challenges to the agency's finding that greenhouse gases are pollutants that endanger human health, and to rules determining when states and industries must comply with regulations curtailing their use. Companies such as Massey Energy Co., business groups including the U.S. Chamber of Commerce and states led by Texas and Virginia are seeking to stop the agency through more than 60 lawsuits. They argue that the agency relied on biased data from outside scientists, including some affiliated with the so-called climategate scandal. "To win here you have to make an argument that the EPA's decision was arbitrary and capricious," U.S. Circuit Judge David Tatel told a lawyer for one of the opposing groups during the almost three-hour hearing. In 2007, the Supreme Court ruled that the EPA had authority to regulate greenhouse gases such as carbon dioxide and methane under the Clean Air Act if the agency declared them a public danger. The EPA issued a so-called endangerment finding in December 2009, clearing the way for regulation of emissions from power plants, factories and other sources linked to global climate change. "EPA made an inadequate endangerment finding," Patrick Day, a lawyer for the Coalition for Responsible Regulation Inc., told the judges today. He said the agency "erroneously decided to completely divorce risk assessments from policy consequences."

Study raises doubts about EPA's model

STAUNTON NEWS LEADER A study released this month by one federal agency may supply critics of another's Chesapeake Bay cleanup plan with more ammunition. Among the findings of the United States Geological Survey study, "Sediment Sources and Transport in the Chesapeake Bay Watershed," is that forested areas account for 2 percent of sediment entering waterways in the Chesapeake Bay Watershed. According to the Environmental

Protection Agency's latest model, forest accounts for more than 15 percent of the sediment degrading the bay — 7.5 times as much. The EPA's model is guiding mandated reductions of phosphorous, nitrogen and sediment among bay watershed states, a cleanup strategy that could cost Virginia more than \$15 billion dollars to implement, according to a State Senate Finance Committee report released last November. But discrepancies in the model and questions about how the data is collected have undermined support for the plan among some groups and led the American Farm Bureau filing a federal lawsuit to halt implementation of the plan until questions about the model are resolved. "I'm not convinced that the bay model is accurate or even close to accurate," said Virginia Department of Forestry Assistant Director of Forest Management for Water Quality Matt Poirot. "There's a lot of assuming that's being done, and right or wrong, it's going to take years to get the model close to being right." The department has questioned the pollution numbers attributed to forest for years, said Virginia Department of Forestry Water Quality Program Supervisor Bill Lakel, but has yet to receive a detailed explanation. "I can't tell you exactly where they got their numbers for the bay pollution model," said Lakel, who holds a Ph.D. in forest hydrology. "It seems high. The 2 percent seems more in line with my experience and the studies I've seen." "I think the EPA is erring on the side of caution. There's just so much sediment I don't think the EPA knows where it is coming from," he said. "The numbers they have (in the model) are the numbers they want to have."

Marcellus drilling company donates more than \$1 million to hospital

HARRISBURG PATRIOT NEWS Cabot Oil & Gas, the company at the center of controversy over drilling for gas in Dimock, announced Tuesday it will be donating more than \$1 million to the construction of a new hospital in Susquehanna County. Cabot is giving the project \$1 million and is offering to match other donations up to an additional \$1 million, to raise a total of \$3 million for the project. "We are very fortunate to have Cabot so generously providing the leadership and the resources to encourage private investment in our new hospital," said Rex Catlin, CEO of the Endless Mountain Health System. "Now our medical staff and employees will be in a facility that mirrors their high quality." Cabot CEO Dan Dinges said, "Similar to jobs and education, available health care helps define a community. We want to make sure we are investing in all three." The project includes a multi-specialty physician suite, a six-bay emergency department with an airborne infection isolation room, cardiac/trauma room and a helipad. Pennsylvania Department of Environmental Protection fined Cabot more than \$240,000 in 2010, saying the company's faulty well casings allowed natural gas to migrate into local water wells. A handful of residents are suing the company saying their water contains other contaminants.

DC Going Green and Saving Fuel Costs, Add 10 Alternative-Fuel Vehicles To Fleet

MY FOX DC WASHINGTON - Cleaning up the environment and cutting fuel costs. It seems like the perfect combination when it comes to the vehicles we use. And what better example than local, state and federal governments taking the lead. There is such an international demand for oil that many governments are looking for cheaper, cleaner ways to power vehicles. In a move to clean up the environment, D.C. officials announced 10 new vehicles which use alternative fuels. The vehicles were purchased using federal stimulus funds provided by EPA. D.C. Mayor Vincent Gray got behind the wheel of a snow plow powered by an alternative fuel. The Department of Public Works also showed off street sweepers and even garbage trucks that run on cleaner fuel.

Jackson Says Administration Made 'Tough Choices' in 2013 Budget

BNA DAILY ENVIRONMENT REPORT The Obama administration's proposed fiscal year 2013 budget cuts to state water funds and the superfund program are "tough choices" made necessary by the current fiscal situation, EPA Administrator Jackson tells a hearing of two House Energy and Commerce subcommittees. Jackson says the proposal reflects a commitment to reduce government spending in a responsible manner while supporting EPA's core mission of ensuring clean air and water.

Va. Power plans \$1.1 billion plant in Brunswick County

RICHMOND TIMES DISPATCH Dominion Virginia Power's planned \$1.1 billion natural gas-fired power station in rural Southside Virginia will help make Virginia more energy independent and reduce costs for customers, company officials said Tuesday. The Richmond-based utility selected a site in Brunswick County over one in Chesterfield County for a new 1,300-megawatt plant, which, if approved by state regulators, would start operations in 2016. Chesterfield "is still a future potential development site for us," Thomas F. Farrell II, chairman, president and chief executive officer of the utility's parent company, Dominion Resources Inc., said at a news conference Tuesday to announce the new plant. Chesterfield has given the utility approval for a new power plant that would be built adjacent to its Chesterfield Power Station at Dutch Gap. The company said Chesterfield is still in consideration for a plant that would be built in 2019, similar to the one in Brunswick. The Brunswick site provides the best alternative to replace generation Dominion Virginia Power is losing with the retirement of several coal-fired units in Hampton Roads, the company said. Dominion Virginia Power announced last September that it plans to close several coal-fired units at its Chesapeake Energy Center in Chesapeake and Yorktown Power Station by 2016. The company said it is more cost-effective to retire those units than install environmental control equipment necessary to meet new federal regulations. "This plant is necessary because of new federal air pollution rules," Farrell said of the Brunswick plant. "When you put all the pieces together, the need for this particular facility locating in Brunswick made the most sense." The new plant, Farrell said, also will help reduce the need to import power from other states. "Reducing our reliance on the regional wholesale electricity market ... reduces the volatility that affects prices we have to charge our customers," Farrell said.

Editorial: Natural gas needs no corporate welfare

CHARLESTON DAILY MAIL The production of prodigious amounts of natural gas fracked from shale formations has driven down the price of gas. That's how markets respond Texas oil-and-gas man T. Boone Pickens, a billionaire, would like to increase that demand by promoting the use of vehicles that use natural gas instead of gasoline. He wants Congress to make taxpayers pay companies, through tax credits, \$7,500 to \$65,000 per vehicle to convert their light trucks and 18-wheelers to natural gas. That would cover 150,000 vehicles. The proposal also would provide a tax credit to producers of natural gas vehicles. In addition, the 50-cent-a-gallon alternative fuel tax credit for buying natural gas would be extended through 2016. Furthermore, service stations would get a tax credit of as much as \$100,000 to purchase pumps and other equipment needed to sell natural gas to motorists. Supporters of Pickens' measure say it would cost about \$5 billion over five years, but opponents think that could rise to more than \$100 billion. No, no, no, no, no. In an editorial, the Wall Street Journal called this a "Boone-Doggle."

Editorial: Pass bill to protect Tennessee's mountains

THE TENNESSEAN "I'm not in favor of mountaintop removal, OK? I'm not. But I'm also not willing to say that we're not going to mine coal in Tennessee anymore." — Bill Haslam --- Tennessee's then-candidate for governor made this statement during a 2010 campaign debate. But now, as the General Assembly takes up a bill that would ban mountaintop-removal mining in Tennessee, would be the time for Gov. Haslam to throw solid support behind the Scenic Vistas Protection Act. The governor is right on both counts. The state should not legislate away coal mines, but it should stop the practice of devastating our scenic heritage. This act bans only the mountaintop removal method of surface mining. It's a reasonable proposal that the coal industry should accept for the good of its business and the health of our state. It opposed the bill in 2010 — and succeeded in blocking a vote — and it opposes the bill in 2012. However, this is a poorly chosen fight for the industry. Time is not on their side. Recent studies of Central Appalachia mining have shown that coal production in Tennessee has declined since 1985. Only 0.2 percent of coal produced in the U.S. comes from Tennessee. TVA, potentially the industry's biggest customer in this state, actually purchases more of the efficiently burning type of coal found in the Western U.S. than it does local coal. Also, TVA is in the midst of a long-term effort to phase out coal-burning plants in favor of cleaner, more sustainable fuel sources. As surface mining (including mountaintop removal), which uses fewer workers and is not safer for those who remain, has increased as a share of production, coal-mining jobs have fallen. By 2008, the state's coal production was concentrated in six counties along the Cumberland Plateau and the Cumberland Mountains,

employing only 558 people.

PENNSYLVANIA

PHILADELPHIA INQUIRER

From Early Bird Consultants cool to NJ wind farm proposal For the second time this month, a consultant retained by New Jersey has determined that a wind farm proposed for three miles off the coast from Atlantic City has failed to justify the economic benefits of moving forward. The findings place big hurdles in front of the Fishermen's Atlantic City wind farm, the most advanced of several offshore projects vying to build wind turbines to produce pollution-free electricity along the coast of New Jersey. Perhaps more important is that the report seems to reinforce a commitment made by the Christie administration that any offshore wind farm project financed with subsidies from electric and gas customers must produce "a net economic benefit" - a barrier proving difficult to surmount.

PHILADELPHIA DAILY NEWS

From Early Bird Sun's exit clouds Marcus Hook MARCUS HOOK has long been a quintessential company town, joined at the hip with the iconic Philadelphia company Sunoco for more than a century. With imminent closure of Sunoco's refinery there, most of the 590 workers get their last paychecks today. Now, fear is seeping into this quaint, tight-knit, working-class burg in Delaware County - fear that it could turn into a modern-day ghost town. When Sunoco said in September that it would dump the last of its remaining refining operations and focus on oil pipelines and fuel retailing, local workers and residents hoped that a buyer would emerge for the 110-year-old, 175,000-barrel-per-day refinery. But Sunoco's chairman and chief executive officer, Lynn Elsenhans, said that Sunoco didn't get a single proposal to operate Marcus Hook as a refinery. The plant has been idle since Dec. 1. Sunoco is the largest property owner in Marcus Hook, so its decision affects not only jobs - including those of contractors and suppliers - but is also likely to have a major impact on the budgets of the borough and school district. "This is a very difficult situation, and it's unfortunate that people's lives are impacted by these decisions," Sunoco spokesman Thomas Golembeski said. He said that about 65 salaried employees who worked at the refinery have been or will be redeployed elsewhere in Sunoco. The company will retain 100 hourly workers during a transition period, phasing out about half the jobs by Dec. 1, he said.

PITTSBURGH POST-GAZETTE

From Early Bird South Fayette schools urged not to transfer drilling lease Residents urged the South Fayette school board Tuesday night to deny reassigning the district's natural gas drilling lease to a different driller. Resident Joe Grant presented a petition that he said contained about 360 signatures against transferring the lease. About 35 people attended the meeting and nearly 15 spoke against the proposal. Two years ago, the school board approved a lease with Oklahoma-based Chesapeake Energy Corp. that allows horizontal drilling in the Marcellus Shale beneath the 207-acre Old Oakdale Road campus, with no surface operations or equipment permitted. Now the firm is asking the school district to allow Texas-based driller Range Resources to take over the lease. Resident Sean Kelly said denying the transfer request would be the school board's chance at a "do-over" that would keep drilling away from the campus. "The risks are too great for a school district that's developing into one of the best in Allegheny County," he said. Several school directors were upset to learn that Range Resources did not adequately answer questions about potential royalties and other issues recently posed by school attorney Fred Wolfe. "Range has basically stonewalled us on any basic information we were looking for," board member Alan Vezzi said.

PITTSBURGH TRIBUNE REVIEW

From Early Bird Plan raises concerns for Buffalo Trails residents about effect of pipeline A gas transmission company wants to tear out a dormant fuel line running through the township and replace it with a larger, high-

pressure line carrying natural gas. NiSource Gas Transmission & Storage wants to replace a 10-inch line formerly used to ship jet and diesel fuel with a 20-inch natural gas line. The plan has not been met with open arms by residents in the upscale Buffalo Trails neighborhood, who will have their property torn up for the construction project, nor by township officials, who say NiSource hasn't informed them of their plans. Buffalo Trails residents say they have about five weeks to decide whether to give NiSource -- which owns Columbia Gas Transmission, parent company of Columbia Gas of Pa -- permission to dig up their yards and uproot trees. Resident Tony Aulicion had his front yard dug up because of a leak in the line. NiSource was using high pressure nitrogen, an inert gas, to find the leaks in the 10-inch line and repair them. He wasn't happy to hear from company workers that NiSource intended to replace the line with a high-pressure -- 1,000 pounds-per-square-inch -- pipeline. The line is about 10 feet from his front door.

Sanitary Authority pursues gambling proceeds... The authority on Tuesday gave general manager Morgan O'Dell approval to apply to the redevelopment authority for a \$500,000 grant that O'Dell said is part of the gambling proceeds. O'Dell, assistant general manager Tim Kuhns and engineer Ed Schmitt said the money would be used to help pay for some of the work being done as part of the federal consent decree mandating the separation of storm and sanitary sewer lines. That work includes cleaning the authority's lines and running a video camera through them to determine if any repairs are needed. Also, the money would be used to monitor the flow into the lines in an attempt to determine which communities produce the greatest flow. That would help narrow the scope of where stormwater is infiltrating the system. "The flow monitoring is somewhere in the neighborhood of \$600,000, and we're looking for a way to get that down," Schmitt said. "We're trying to make our money stretch as far as we can by getting additional grant monies." The bulk of the project is being financed through a surcharge on customers initiated by the authority's member communities, all of which must adhere to the federal consent decree. Overall, Kuhns said once the lines are cleaned, examined by the camera and repairs made, about 54 flow monitors will be placed throughout the system to gather data. **Kuhns said there is a schedule the EPA expects the authority and communities to follow.** He said the flow monitoring must be in place by the end of this year.

ALLENTOWN MORNING CALL

From Early Bird PPL buys natural gas power plant PPL Corp. is buying a natural gas-fired power plant in Lebanon, the company announced on Monday. AES Corp. of Arlington, Va., is selling its Ironwood plant for \$304 million, PPL said. The plant, which began operation in 2001, has a 705-megawatt capacity, or roughly enough to power 564,000 homes. For the past four years, PPL EnergyPlus, the marketing and trading subsidiary of Allentown-based PPL, has supplied natural gas for the operation of the Ironwood plant in return for rights to its full output. Bill Spence, PPL's president and chief executive officer, described the acquisition as "an excellent opportunity for us to bring into full ownership additional... gas generation." Among power plant fuels, which also include coal, oil and uranium, natural gas plays a particularly important role on the Mid-Atlantic power grid. That's because natural gas plants are usually the last to come on line during peak electricity demand, and in such cases set prices for the entire system.

Upper Mount Bethel power plant will shut down in 2015 New environmental regulations will make the Portland Generating Station too unprofitable to run, eliminating 70 jobs, officials said. The Portland Generating Station, an Upper Mount Bethel coal plant whose decades-old infrastructure made it a target of environmentalists, will shut down in 2015, officials said. In a statement released Wednesday, Houston power company GenOn Energy said it will close the Portland plant and seven others between 2012 and 2015, saying new environmental laws made them unprofitable. The other affected plants are in Elrama, Pa; Niles, OH; Avon Lake, OH; New Castle, Pa.; Shawville, Pa.; Titus, Pa.; and Glen Gardner, N.J. The Upper Mount Bethel plant will close in January 2015. The Portland plant, which employs more than 70 people in the Slate Belt, came under fire in recent years for voluminous emissions of sulfur dioxide and other airborne toxins, which have been linked to increased asthma rates in New Jersey. In 2010, New Jersey Department of Environmental Protection filed a petition with the federal Environmental Protection Agency to force the plant to reduce emissions.

HARRISBURGH PATRIOT NEWS

From Early Bird Marcellus drilling company donates more than \$1 million to hospital Cabot Oil & Gas, the company at the center of controversy over drilling for gas in Dimock, announced Tuesday it will be donating more than \$1 million to the construction of a new hospital in Susquehanna County. Cabot is giving the project \$1 million and is offering to match other donations up to an additional \$1 million, to raise a total of \$3 million for the project. "We are very fortunate to have Cabot so generously providing the leadership and the resources to encourage private investment in our new hospital," said Rex Catlin, CEO of the Endless Mountain Health System. "Now our medical staff and employees will be in a facility that mirrors their high quality." Cabot CEO Dan Dinges said, "Similar to jobs and education, available health care helps define a community. We want to make sure we are investing in all three." The project includes a multi-specialty physician suite, a six-bay emergency department with an airborne infection isolation room, cardiac/trauma room and a helipad. Pennsylvania Department of Environmental Protection fined Cabot more than \$240,000 in 2010, saying the company's faulty well casings allowed natural gas to migrate into local water wells. A handful of residents are suing the company saying their water contains other contaminants.

From Early Bird Letter: Phase out reliance on coal and use efficient energies On Valentine's Day, you published an op-ed, "Anti-coal agenda is detrimental to Pennsylvania," that ignores important facts. The article did promote cleaning up acid mine drainage that is needed. However, it went on to refer to coal as "one of the world's most affordable, abundant, reliable sources of energy." The author is not looking at the true costs of this dirty fuel. Coal appears to be cheap only by ignoring the heavy burden it puts on the environment and health at every level of its life cycle. The acid mine pollution of our streams is only one of them. Much more important are the toxins such as mercury, the carbon particles that get into our lungs and the massive release of CO2 and other greenhouse gases that help disrupt our climate. This is a false economy. With full-cost accounting, it would make coal the expensive fuel that it is. Pennsylvania (and the world) needs to phase out coal's use and replace it with efficiency, such as a smart grid and energy-efficient buildings, clean renewable sources of energy and discontinue the subsidies paid to fossil fuels. This would create many jobs and enhance a sustainable future and in the long run be far more economical.

WILKES-BARRE TIMES LEADER

From Early Bird Range receives extension RANSOM TWP. - At the Ransom Township Planning Commission meeting February 20, Andrew Massimilian, of Ransom Recreational Shooting Sports, LLC, requested a 160 -day extension from March 6 for submitting new plans for the proposed shooting range land development at 1500 Ransom Road. The Planning Commission voted to grant the extension. During public input, Robert Lukiewicz introduced himself to the Township as the new Zoning Officer. Ransom Township resident Hank Rowinski showed the Planning Commission a legal notice he found in a newspaper the previous week regarding Falling Springs Water Works, Inc. The notice stated that the corporation filed an application for approval with the Susquehanna River Basin Commission to withdraw surface water for use in the development of natural gas wells in the Marcellus Shale Region. The Planning Commission had no information about it, and said they would pass the notice on to the Board of Supervisors. The next Ransom Township Planning Commission meeting will be held March 19, and the next Board of Supervisors meeting March 5, both at the Township Municipal Building, 2435 Hickory Lane.

STATE COLLEGE CENTRE DAILY TIMES

From Early Bird Natural gas fees won't cover project costs PATTON TOWNSHIP — Revenues expected from the recently approved Marcellus Shale impact fee will not be enough to overcome a drastic shortfall in transportation funding in Centre County, according to officials at Tuesday's Metropolitan Planning Organization Coordinating Committee meeting. Cuts in federal and state transportation spending have reduced the county's budget for road and bridge projects by \$7 million, to \$45 million in the proposed 2013- 2016 Transportation Improvement Plan. "It's certainly not enough to address the problems that are out there," said Mike Bloom, senior transportation planner in the county Planning and Community Development Office. The county's transportation infrastructure, long underfunded, is buckling under the increased strain created by the gas industry, Bloom said. "As they get more wear and tear on the roadways and bridges we have out there, especially with the heavy truck traffic some of them are seeing, we don't have the money available to replace them," he said.

From Early Bird Marcellus shale fee forum set Centre County residents could sound off next month about a proposed Marcellus Shale impact fee in the county. County commissioners on Tuesday set a public hearing for March 20 to discuss whether to impose the drilling impact fee. The hearing is in response to a bill signed into law Feb. 13 by Gov. Tom Corbett that gives counties the power to decide whether or not they would like to implement the fee. After the hearing, the commissioners could approve a proposed ordinance enacting the fee. If they do, the county will receive an estimated \$570,000 for wells drilled between 2005 and 2011. Commissioner Michael Pipe said municipalities will receive additional funds. Those with active wells will get the most. But, all municipalities in counties with drilling will receive some funds, he said. "The county's going to get a chunk of money, municipalities that have active wells are going to get the biggest share, then all the other municipalities are going to receive some sort of funds," Pipe said.

ERIE TIMES-NEWS

Advisory group to hear update on health of Presque Isle Bay Presque Isle Bay was a dump. The sediment had contaminants. The brown bullhead catfish had tumors. Many residents wanted their bay declared an "Area of Concern," a move they believed would help get it cleaned up. Presque Isle Bay received the designation in 1991. Conditions had improved enough by 2002 for it to be upgraded to an "Area of Concern in the Recovery Stage." Now, officials are taking steps toward having the bay removed from the concern list altogether. "That's our goal," said Lori Boughton, head of the Pennsylvania Department of Environmental Protection's Office of the Great Lakes. The DEP will present information today to the Presque Isle Bay Public Advisory Committee. Boughton said that's the first step toward getting the bay delisted and acknowledging that while the fish still have some lumps and bumps, the ecosystem has improved.

THE TIMES HERALD

Montgomery County township officials discuss water runoff

FRANCONIA — New rules to control what happens to the rain that falls on your property keep flowing down. "The rubber is now at the point where it's meeting the road," Larry Comunale, Lower Gwynedd's township manager, said at the Feb. 24 Montgomery County Association of Township Officials Spring Convention. "Needless to say," Comunale said, "there's no federal or state money available to us to try to meet this mandate." "You're gonna have things in your budget that you never had before and you're gonna have residents asking why do we even have to manage storm water?" said Michael Fox, vice chairman of the Montgomery Township Board of Supervisors and a leader of the Pennsylvania Stormwater Coalition, which includes almost 60 towns. The rules are designed to fight the pollution that is picked up from driveways, streets and fertilizers, and carried into streams, he said. "There is a real purpose to this. There is damage that's been done," Fox said. Most of the streams in this area are rated as being impaired, he said. The U.S. Environmental Protection Agency and Pennsylvania Department of Environmental Protection, however, are also telling Pennsylvania towns to undo the effects of the runoff that has occurred over the past 150 years, he said. Part of what that means is the towns cannot allow more runoff to enter the waterways and will have to make sure development does not increase the runoff, he said.

WJACTV.COM

Mining company says \$40 million project will help clean watershed ST. MICHAEL, Pa. — A local mining company has big plans for the future of the Conemaugh River. The company said it found a way to stop more than 3,700 tons of acid mine drainage. Rosebud Mining Company is so confident with its proposed plans that it put down \$15 million and has already started construction on a treatment plant, before receiving final approval from the federal government. Much like the Conemaugh River, shades of red can be seen in Topper Run. Behind the St. Michael fire department is the abandoned Maryland No. 1 mine shaft and the 3,500 gallons of acid mine drainage that pour out every minute. Rosebud Mining has been mining near the area for about five years but its work will soon come to an end if its can't drain the mine pool below.

"The only way we can go lower than 1,604 elevation is to lower the mine pool," said John Garcia, a spokesperson for Rosebud. "Our permit right now allows us to mine below 1,604 only if we de-water." That's why Rosebud has agreed to pay more than \$40 million on a project that will not only allow them to mine deeper, but also clean up the

watershed.

LEHIGHVALLEYLIVE.COM

Portland Generating Station, Glen Garner electric station to be deactivated by GenOn in 2015
GenOn Energy Inc. in 2015 will close electric generating stations in Upper Mount Bethel Township and Glen Gardner due the cost of upcoming environmental regulations, according to a news release sent this morning to politicians in affected communities. The Portland Generation Station, which employs 80 people in Upper Mount Bethel, will go offline in January 2015 and the Glen Gardner station will shut in May 2015, according to the news release. In all, eight stations will closed between June of this year and May 2015 in Pennsylvania and New Jersey, the company reports.

POCONO RECORD

Portland generating station to close in 2015 GenOn Energy Inc. will close the electric generating stations in Upper Mount Bethel Township in 2015 because of the cost of upcoming environmental regulations, according to a news release on the company's website. ... Around the same time, the 53-year-old coal-burning plant was singled out by the New Jersey Department of Environmental Protection and the EPA for creating a majority of the sulfur dioxide pollution in northern New Jersey. In late October, the EPA issued a 95-page ruling that the Upper Mount Bethel power plant had three years to reduce its permitted sulfur dioxide emissions by 81 percent, according the Easton Express-Times.

PENNENERGY

GenOn plans to deactivate 3140 MW of coal-fired generating capacity
Source: GenOn Energy, Inc. GenOn expects to deactivate 3,140 MWs of coal-fired generating capacity in PJM between June 2012 and May 2015 because forecasted returns on investments necessary to comply with environmental regulations are insufficient. (See table for affected power plants) The units expected to be deactivated and timeframes are subject to further review based on market conditions. In particular, while the initial analysis for additional environmental controls at Avon Lake indicated that forecasted returns on those investments were insufficient, the evaluation of the returns on those environmental controls is continuing.

GANT DAILY

Clearfield County to Consider Impact Fee Ordinance CLEARFIELD – The Clearfield County Commissioners authorized advertising the county's consideration of an ordinance to adopt an unconventional gas well impact fee at Tuesday's regular meeting. County Solicitor Kim Kesner said initially, he wanted to craft an ordinance that would be more advantageous for the county, as the "epicenter" of the Marcellus Shale industry. However, he said legislation has it mapped out for them in a sample ordinance, which he found sufficient. Kesner indicated he didn't foresee where the county could legally add anything to the sample ordinance, stating it was in the hands of the Public Utility Commission, which will be distributing the impact fee. He recommended the commissioners authorize Chief Clerk Lisa McFadden to move forward with the proper advertising. The commissioners voted 3-0 to advertise the ordinance's consideration. A special meeting will be announced for the commissioners to give further consideration to the ordinance, and the county has 60 days to adopt one, according to Commissioner Joan Robinson-McMillen.

WASHINGTON, D.C.

WASHINGTON POST

From Early Bird Blog: Can the problems with fracking be fixed? In the New York Times, Joe Nocera says that natural-gas fracking is inevitable and just needs a few tweaks, like plugging methane leaks from wells. But that's not as simple as it sounds. Recent research suggests that fracking could be disastrous, climate-wise, if those leaks aren't fixed. On the surface, natural gas looks like a relatively clean fossil fuel — burning the stuff emits about half as much carbon dioxide as burning coal. That's why some environmentalists have lauded it as a "bridge fuel" en route to a

zero-carbon future. But there's a catch: Using hydraulic fracturing to extract gas from shale rock is bound to cause some methane to leak out. And methane is a potent heat-trapping gas when it escapes into the air, about 21 times as powerful as carbon dioxide. Some of this methane seeps out from underground wells. Some of it gets purposefully flared off or vented by the drillers. And some of it wafts out of loosely fitted distribution pipes. If enough of this methane escapes, then natural gas could, conceivably, cause as much global warming as coal does. Modeling studies have suggested that if more than 2 percent of the methane from natural-gas production is escaping out into the air, then natural gas' climate advantage over coal starts to vanish. One recent paper, led by Tom Wigley of the National Center for Atmospheric Research, found that switching from coal to natural gas could, in some cases, prove *worse* for the planet if leakage rates are above that level. (Michael Levi of the Council on Foreign Relations offers some caveats on Wigley's study, noting that this isn't as pressing a concern if natural gas use is phased out in fairly short order. But that's not a given.)

Utilities announce closure of 10 aging power plants in Midwest, EastTwo separate utilities announced the closure of 10 aging U.S. power plants Wednesday, a move environmental groups hailed as a major victory in their ongoing effort to phase out the nation's coal-fired electricity generation. Midwest Generation, which had come under intense pressure from environmental activists, Chicago residents and Chicago Mayor Rahm Emanuel, said it would retire its Fisk power plant in 2012 and Crawford plant in 2014. Both have been operating for decades in the middle of the city's Southwest side. GenOn Energy, meanwhile, issued a statement saying it would deactivate eight power plants — eight fired by coal and one by oil — between June 2012 and May 2015 because it would be too expensive to install pollution controls now required by the federal government. The Environmental Protection Agency finalized rules in December that require utilities for the first time to curb the amount of mercury and other air toxins they release in the air.

MY FOX DC

From Early Bird DC Going Green and Saving Fuel Costs, Add 10 Alternative-Fuel Vehicles To Fleet

WASHINGTON - Cleaning up the environment and cutting fuel costs. It seems like the perfect combination when it comes to the vehicles we use. And what better example than local, state and federal governments taking the lead. There is such an international demand for oil that many governments are looking for cheaper, cleaner ways to power vehicles. In a move to clean up the environment, D.C. officials announced 10 new vehicles which use alternative fuels. The vehicles were purchased using federal stimulus funds provided by EPA. D.C. Mayor Vincent Gray got behind the wheel of a snow plow powered by an alternative fuel. The Department of Public Works also showed off street sweepers and even garbage trucks that run on cleaner fuel.

WASHINGTON CITY PAPER

Graph of the Day: Suburbanites Pollute More You've already heard this: People who live in cities pollute less and waste less than people who live in the suburbs. Not because they're better people, necessarily, but because their surroundings just allow them to be more efficient. But how do we know, really? It's reasonably easy to track things like energy, water, and garbage—all those things come from a single geographical point, after all. Measuring stuff in the air, however, becomes a bit more complicated. Take fine particulates, for example—the soot, dirt, dust, and smoke known in the business as PM2.5. That can come from four different kinds of sources: Point (fixed emitters like smokestacks), Area (smaller point sources like cooking and dry cleaning), Non-road (construction, logging, boating, etc) and On-road (your trucks and passenger vehicles).

eNEWS PARK FOREST

DC Considers Making Pesticide History WASHINGTON, D.C.--(ENEWSPF)--February 28, 2012. Interviewing witnesses with the precision of a prosecutorial judge, District of Columbia councilwoman Mary Cheh set the stage for an American pesticide showdown Monday afternoon. In a remarkable session on behalf of the DC Committee on the Environment, Public Works and Transportation the tenured professor of constitutional law at Georgetown University drilled relentlessly into the nuances of a bill, B19-643, "The Pesticide Education and Control Amendment Act of 2012." Cheh, a Democrat, called every witness, asked every question and displayed extraordinary stamina in a session that grilled 18 individuals and lasted more than four hours. I've sat through dozens, if not hundreds, of similar

sessions and never seen anything quite like Cheh's attention to detail. In addition to doctors and activists who testified on behalf of the bill, Cheh singlehandedly called pesticide professionals, citizens and a government witness. The general goal of the Pesticide Education and Control Amendment Act of 2012 is to review the myriad chemical compounds used as insect, weed and fungal killers and to eliminate all but the least toxic — except in cases of public health where no "safe" alternatives exist. Of the 18 witnesses called, five spoke in favor of the status quo that allows for unrestricted use of synthetic chemicals and 13 were in favor of some measure of pesticide reduction. SafeLawns testified on behalf of a complete elimination of synthetic chemical fertilizers and pesticides in the landscape, citing several examples of success stories — including nearby Glenstone — where beautiful aesthetics are achieved without synthetic chemical products. Cheh was especially inquisitive of three doctors who testified on behalf of pesticide reduction strategies.

DELAWARE

WILMINGTON NEWS JOURNAL

From Early Bird Temperatures toss nature a curve

DELAWARE CAPE GAZETTE

From Early Bird 'Storm of '62' to be commemorated by DNREC workshop March 7 The Delaware Department of Natural Resources and Environmental Control Division of Watershed Stewardship will sponsor a workshop Wednesday, March 7, commemorating the "Storm of '62" on the 50th anniversary of the event that wreaked havoc along the state's coast and rated as one of the most destructive storms in Delaware's recorded history. "Delaware Coastal Vulnerability and Sustainability - 1962 to 2062" will take place at the Rehoboth Beach Convention Center, beginning at 8:30 a.m. Lectures pertaining to the storm and its aftermath - including how it influences many of today's environmental and economic decisions - will be presented throughout the day, and "The Storm of '62 - Delaware's Shared Response," a 55-minute film produced by DNREC, will be screened. Co-sponsoring the workshop with DNREC are the Delaware Sea Grant Program and the City of Rehoboth Beach. Lecture topics include coastal vulnerability, coastal development and economy, meteorological predictions (including sea level rise), flooding and inundation, and coastal sustainability entailing beach management and flood-resistant development practices, the latter presented by Tony Pratt, administrator of DNREC's Shoreline & Waterway Management Section, and Michael Powell, also of the section. Exhibits featuring 1960s photographs and memorabilia from the storm from coastal communities and historical societies also will be on display throughout the day. Hazard mitigation and storm preparedness information will be available from the DEMA, FEMA, and other preparedness and response organizations.

ENVIRONMENTAL EXPERT

Lewes, Del., to receive EPA smart growth assistance PHILADELPHIA -- The U.S. Environmental Protection Agency today announced that Lewes, Del., will receive technical assistance through the Building Blocks for Sustainable Communities program. EPA has set aside \$750,000 to fund sustainability audits for 56 communities in 26 states in 2012. The funds will be paid to private-sector contractors who will work with community officials to compile a list of areas that need attention. These technical experts will help develop solutions to improve the local economy, the environment, and quality of life. Some examples may include improving pedestrian access and safety, incorporating green infrastructure, or conducting an economic and fiscal health assessment. Building Blocks for Sustainable Communities is a project of the Partnership for Sustainable Communities among EPA, the U.S. Department of Housing and Urban Development (HUD), and the U.S. Department of Transportation (DOT). The interagency collaboration coordinates federal investments in infrastructure, facilities, and services to get better results for communities and use taxpayer money more efficiently.

WEST VIRGINIA

CHARLESTON GAZETTE

From Early Bird House passes mine safety bill CHARLESTON, W.Va. -- Following emotional speeches by Delegates Charlene Marshall, D-Monongalia, Mike Caputo, D-Marion - and in a rare floor address - Speaker Rick Thompson, D-Wayne, the House of Delegates Tuesday passed the governors mine safety le...

From Early Bird W.Va. Senate passes bill requiring hotel CO detectors CHARLESTON, W.Va. -- The West Virginia Senate on Tuesday passed a bill (SB 579) that requires hotels to install carbon monoxide detectors. Last month, a Rhode Island construction worker died and several other hotel guests were seriously injured by ca...

From Early Bird WVSU to conduct shelter-in-place drill INSTITUTE, W.Va. -- West Virginia State University will conduct a shelter-in-place drill at 7 p.m. Wednesday on its campus. WVSU routinely holds mock drills once each semester, alternating between morning and evening hours. To start the drill, the sir...

From Early Bird Blog: Mountaintop removal ban up for vote in Tennessee Anti-mountaintop removal activists are working overtime this week (see [here](#) and [here](#)), trying to draw attention to a vote expected in the Tennessee General Assembly on a bill called the Tennessee Scenic Vistas Protection Act. One of Earthjustice's bloggers opined:

From Early Bird Blog: Will coal lobby support weakened mine safety bill? The point of closed-door negotiations between various lobby groups — aside from insulating lawmakers from any real public accountability — is to get a product that everyone will agree to ... to push legislation through with everyone on board. Supposedly, that's what has happened with the fairly mild mine safety legislation that is expected to be approved today in the West Virginia House of Delegates. When it comes to agreed-to bills involving powerful extraction industries, this mostly means that lawmakers are trying to soften the language enough that the industry in question — whether publicly or privately — get their friends in the Legislature to kill it off. Just look at the way the Marcellus Shale bill worked out during last December's special session (see [here](#) and [here](#)).

CHARLESTON DAILY MAIL

From Early Bird Editorial: Natural gas needs no corporate welfare The production of prodigious amounts of natural gas fracked from shale formations has driven down the price of gas. That's how markets respond Texas oil-and-gas man T. Boone Pickens, a billionaire, would like to increase that demand by promoting the use of vehicles that use natural gas instead of gasoline. He wants Congress to make taxpayers pay companies, through tax credits, \$7,500 to \$65,000 per vehicle to convert their light trucks and 18-wheelers to natural gas. That would cover 150,000 vehicles. The proposal also would provide a tax credit to producers of natural gas vehicles. In addition, the 50-cent-a-gallon alternative fuel tax credit for buying natural gas would be extended through 2016. Furthermore, service stations would get a tax credit of as much as \$100,000 to purchase pumps and other equipment needed to sell natural gas to motorists. Supporters of Pickens' measure say it would cost about \$5 billion over five years, but opponents think that could rise to more than \$100 billion. No, no, no, no, no. In an editorial, the Wall Street Journal called this a "Boone-Doggle."

From Early Bird Mayor optimistic about Century plant RAVENSWOOD, W.Va. -- Ravenswood Mayor Lucy Harbert is optimistic that Century Aluminum retirees will reach an agreement with company officials that could lead to hundreds of jobs returning to her small town. "I feel that they're going to work it out," Harbert said. "Maybe I'm

being optimistic, but I'm really thinking that the right thing's going to happen." Retirees and the company have hit an impasse in recent days over a deal that would restore some retiree health care benefits yet keep costs low enough to allow for a successful restart of the Ravenswood aluminum smelter. Century idled the plant during the recession in 2009, laying off more than 650 people in the process. Citing the need to control costs should they restart the plant, Century ended health care coverage for Medicare-eligible retirees in 2010. Early retirees between the ages of 55 and 65 lost coverage 2011. Retirees have been fighting to get it back ever since

From Early Bird Charlestons trash bag program eyed for cuts Charleston Finance Committee members discussed the upcoming fiscal year's budget at a meeting Tuesday and one councilman suggested that leaders look at possibly eliminating one long-standing program to save money. Republican at-large Councilman Chris Dodrill the proposed budget includes \$350,000 to pay for trash bags for residents. The line item takes up the overwhelming majority of the \$425,000 set aside for supplies in the Refuse Department. Meanwhile, the city has recently been forced to make cuts in the fire and police departments because of the millions of dollars in unfunded pension liabilities. "We're scrounging around in the couch looking for change when we have a twenty-dollar bill in our pocket," Dodrill said. The city has offered free trash bags to citizens since a citywide strike in 1972. The strike greatly reduced the number of garbage crews in the city. So, the city began giving trash bags to residents, who would bag their trash and take it to a collection location. The city opted to keep the program in place after the strike. Some have supported the program, saying that it makes for more efficient and sanitary garbage collection. The program also encourages people to pay their bills on time. In order to pick up their bags, residents must have received an authorization form in the mail showing they are current on payments, Refuse Director Rick Adams said during a previous interview.

WEST VIRGINIA STATE JOURNAL

From Early Bird WV shale gas conference registration open The Greenbrier is hosting a national conference and expo on West Virginia's expanding shale gas industry. Registration for attendees and exhibitors is open for the April 1-3 conference. The conference is attracting natural gas associations from within the state as well as Pennsylvania and Ohio. The Marcellus and Utica shale gas plays have only recently been successfully tapped for the methane gas contained within. Both shale gas reservoirs typically require hydraulic fracturing, a relatively old drilling technology and horizontal drilling, a relative new drilling technology. The growing shale gas industry has attracted the attention of state leaders, many of whom are looking to the industry to revitalize the state's economy. Some regions of the shale gas plays have also been found to contain "wet gas," natural gas that not only contains methane, but other valuable chemicals such as butane, pentane and ethane. Ethane, which can be turned into ethylene, a valuable chemical and manufacturing feedstock, has been the spotlight of local economic development talks in the primarily three state region of the Marcellus shale. The event features keynote speaks Jack Williams, president of XTO Energy and guest speakers Gov. Earl Ray Tomblin and U.S. Senator Joe Manchin. Feature speakers at the event include Brett Harvey, chairman and CEO of Consol Energy; Steve Hedrick, vice president and Head Institute Industrial Park for Bayer Corp; Mike McCown, northeast vice president Gastar Exploration; John Felmy. Chief economist of the American Petroleum Institute; Scott Rotruck, vice president of corporate development and state government relations for Chesapeake Energy; David Flannery a partner with Jackson Kelly, PLLC; Richard Gottlieb, a member of Lewis, Glasser, Casey and Rollins, PLLC and David Grottenhaler, general manager of Kroff Well Services.

WEST VIRGINIA PUBLIC BROADCASTING

From Early Bird Deer farm bill passes Deer farming would be encouraged in West Virginia by legislation approved in the Senate Tuesday, and voters will be asked to grant a constitutional exemption for taxes to the Boy Scouts for outside concerts and events in Fayette County.

WHEELING INTELLIGENCER

From Early Bird Study Predicts 65000 Ohio Jobs ST. CLAIRSVILLE - Utica and Marcellus shale gas drilling will add 65,680 jobs and \$4.9 billion in value to the Ohio economy by 2014, according to a study by the Ohio Shale Coalition. The study shows that nearly 17 percent of the jobs created will be with oil and gas field service companies, such as Schlumberger and Halliburton. The average salary for these workers will be \$69,000 per year.

Moreover, the drilling and fracking should create a demand for more truck drivers, construction workers, mechanics, real estate agents, insurance agents, employment placement workers, architects, engineers, lawyers, environmental consultants, nurses, physicians, emergency health care workers and retail employees, among other new jobs..."The potential is there for great job creation," said Cera, who along with Gentile last week toured the MarkWest Energy processing plants in Houston, Pa. MarkWest is now scheduled to build similar plants in Monroe and Harrison counties, which the company said will yield 700 construction-related jobs and more than 40 full-time positions.

BLUEFIELD DAILY TELEGRAPH

From Early Bird Wind turbines, power outages and preparing to spring forward a ... There was a commercial on television last week that caught my attention. It was the first time I had seen this particular advertisement, and I had to stop and really think about it after watching it. As a journalist, I am an advocate for accuracy and facts. The commercial in question that caught my attention wasn't inaccurate, but it also didn't tell the entire story. It was a commercial about the development of wind turbines in America. It appeared to serve two purposes. The first was to inform viewers that wind turbines are being constructed to meet our nation's growing energy needs. Secondly, the commercial suggested that it was, in fact, those very wind turbines up and running at the moment that are responsible for keeping the lights on in America. Interesting. I thought coal was still responsible for keeping the lights on — or at least for meeting 45 percent of America's energy needs. When did wind turbines replace coal? Coal, and natural gas, are still our most abundant and affordable source of energy in this country. Don't get me wrong. I have nothing against wind turbines, and clean energy in particular. I would love to see more wind turbines constructed across America. In fact, I believe it only makes sense to harness the wind for energy. But we don't have any wind turbines in the coalfields of southern West Virginia and Southwest Virginia at the moment and, apparently, a lot of folks around here don't want wind turbines either. So how could wind turbines be responsible for keeping the lights on in the coalfields of southern West Virginia and Southwest Virginia when there are no wind turbines in the region? We are still dependent on coal at the moment to keep the lights on. In the future, the vast Marcellus Shale field may play a big role in meeting many of our energy needs as well. But until some wind turbines are developed in our region, they can't be responsible for keeping our lights on.

From Early Bird Trash dumping at illegal sites still a problem for Mercer County ATHENS — — When trash is cleaned up from alongside Mercer County roads or from illegal dump sites, more trash appears to take its place, but efforts continue to keep litter under control. Illegal dumping and general littering have been problems at lakes and dams as well as roadways and isolated areas of the county. In one case, constant dumping forced a town to close off public access to its water source, Athens Lake. "Yes, it was centered around the reservoir," David Klingensmith, a former member of the Athens Town Council, said when recalling the problem more than 15 years ago. "People would take stuff down there and dump it both on the ground and in the water, so we just shut it down. We didn't even allow any fishing. People use to go down there to fish, but they would dump their trash, their lunch bags, things like that." Picking up dumped trash is one of the community services performed by people participating in programs at the Mercer County Day Report Center. "Basically, our community service days are Monday, Thursday and Friday," said Director Bill Jessee. "Unless we have a special project, we're picking up trash."

ASSOCIATED PRESS (W. Va.)

From Early Bird W.Va. Senate OKs bill to reclassify deer as livestock CHARLESTON, W.Va. -- Deer would be treated as livestock and farm-raised venison would be sold to groceries and restaurants under a bill advancing through the Legislature. The Senate voted 26-8 to pass a deer farm bill Tuesday that gives the Department of Agriculture sole authority over the farms, replacing the Division of Natural Resources. DNR officials argue the change could leave wild deer herds vulnerable to disease and threaten the state's \$200 million hunting and tourism industry. For a decade, deer farmers have been trying to persuade the Legislature to consider their animals as livestock so they can sell the meat. Resorts in the state want to sell West Virginia white-tailed deer venison to their guests and farmers believe even grocery chains would sell the meat, said Marcel Fortin, a lobbyist for the Deer Farmers Association.

PUBLIC NEWS SERVICE

One of the Last Big Battles Over Global Warming Rules? CHARLESTON, W.Va. - A federal appeals court this week is hearing a consolidated lawsuit led by large coal companies and some energy-producing states - one of the last remaining legal challenges to the Environmental Protection Agency's plan to regulate greenhouse gases under the Clean Air Act. Earthjustice attorney Tim Ballo says the plaintiffs have to convince the court that the agency acted irresponsibly when it decided that carbon and other pollutants are a threat to people because of their impact on the climate - a charge he thinks would be tough to prove. "The court will be deferential to EPA's interpretation of the science. As long as EPA acted reasonably, the court won't try to second-guess the agency."

PRNEWswire

CONSOL Energy Idles Longwall Mining at Blacksville No. 2 Mine PITTSBURGH, Feb. 28, 2012 — /PRNewswire/ -- CONSOL Energy Inc. (NYSE: CNX) today announced that it will idle its Northern West Virginia Blacksville No. 2 longwall mining unit and reduce its continuous mining operating schedule to 4 days per week. CONSOL Energy is responding to market conditions primarily as a result of mild winter weather and low natural gas prices. In 2011, the Blacksville No. 2 Mine produced 4.3 million tons of coal utilizing a single longwall and 3 continuous mining units. It is not known how long the Blacksville No. 2 longwall mining operations will be idled, however CONSOL expects monthly production to be reduced by approximately 400,000 tons per month for as long as the mine operates on this reduced schedule.

MARYLAND

BALTIMORE SUN

From Early Bird County discusses results of year-long environmental study Actions that local government and community members could take to improve the Lower Patapsco watershed was the topic of a 90-minute meeting at the Catonsville Library Tuesday evening. Marking storm drains as a reminder that the drain flows into the Chesapeake Bay, disconnecting downspouts, planting trees and installing rain barrels and rain gardens are among the steps residents can take, according to a consultant who spoke at the meeting to an audience of about 20 people. Local governments should include provisions for street sweeping, trash management, stream restoration, storm water pond conversion and illicit discharge monitoring as capital projects, Roth said. Roth, the watershed program manager for Versar, a county consultant based in Columbia, spoke as the Baltimore County Department of Environmental Protection and Sustainability (EPS) provided the results of a one-year study to develop the Small Watershed Action Plan (SWAP).

From Early Bird Blog: Harris: Bay cleanup should wait GOP congressman says bad economy means can't afford to restore Chesapeake. Rep. Andy Harris' congressional Web site calls the Chesapeake Bay a "national treasure" that must be preserved for future generations to enjoy. But at a forum last week near Salisbury, the freshman Republican House member suggested the bay cleanup should wait until the economy is healthier. "The first thing we have to do is we have to make sure the economy is good, because if the economy isn't good, we can't afford to clean up the bay," Harris said, according to a report on DelmarvaNow.com. He added that he doesn't think problems with the bay are costing anyone jobs. "We've lost thousands of jobs because we are not competitive with China in manufacturing, because we have a high corporate tax and because we are business-unfriendly in Maryland," said Harris, a former state senator from Baltimore County whose district encompasses the upper bay and all of the Eastern Shore. "That's why we lose jobs in Maryland, not because of dirty water."

Rawlings-Blake seeks "meaningful" water funds Mayor Stephanie Rawlings-Blake told a congressional panel Tuesday that the federal government must maintain funding for water and wastewater projects because cities such as

Baltimore don't have the resources to make required upgrades to antiquated systems on their own. "Local governments cannot carry the financial burden by themselves," Rawlings-Blake told the Senate Subcommittee on Water and Wildlife. "We can't do it just on the back of ratepayers." Without "meaningful" federal funding for water infrastructure projects, she said, the city will continue to struggle with water main breaks such as the one in 2009 that flooded 100 homes in Dundalk. Many miles of underground pipes that deliver drinking water to the Baltimore area are more than a century old. City leaders across the country and environmental advocates have raised concerns about cuts to water and wastewater programs proposed in President Barack Obama's 2013 budget. The spending plan calls for a \$69.3 million cut in drinking water projects and a \$268 million reduction for wastewater treatment projects. Environmental groups say that could amount to a \$7 million cut for Maryland. The reductions to water projects come after several years of increases. The administration's budget is only a broad guideline and few expect the divided Congress to follow it. Rawlings-Blake noted that the city is operating under federal mandates to improve the way it treats storm water, which can cause pollution in the Chesapeake Bay.

EASTON STAR DEMOCRAT

From Early Bird Talbot council discusses Chesapeake Bay pollution and teacher pensions EASTON - The Talbot County Council held discussions on a wide variety of issues during their meeting Tuesday night, chief among them being a pollution diet for the Chesapeake Bay and a proposal to shift teacher pension costs from the state budget to local jurisdictions. Regarding the Bay pollution diet being worked on by the state, Talbot officials said many measures being recommended to cut down on water pollution are way out of the county's price range. Teacher pensions are also a cost the council members said Talbot cannot afford to take over from the state, a move currently under consideration in the Maryland General Assembly. The council urged Talbot residents to contact state legislators to make their voices heard on the issue. The council approved a resolution and an ordinance temporarily limiting growth in unincorporated villages. The resolution extends a subdivision moratorium for 70 days in certain villages, while the new ordinance allows for the next two years only one new dwelling to be subdivided from properties in any of the village centers. The council also introduced a new bill easing regulations for home-based landscaping companies, though members did not widely support the measure.

VIRGINIA

RICHMOND TIMES-DISPATCH

From Early Bird Va. Power plans \$1.1 billion plant in Brunswick County Dominion Virginia Power's planned \$1.1 billion natural gas-fired power station in rural Southside Virginia will help make Virginia more energy independent and reduce costs for customers, company officials said Tuesday. The Richmond-based utility selected a site in Brunswick County over one in Chesterfield County for a new 1,300-megawatt plant, which, if approved by state regulators, would start operations in 2016. Chesterfield "is still a future potential development site for us," Thomas F. Farrell II, chairman, president and chief executive officer of the utility's parent company, Dominion Resources Inc., said at a news conference Tuesday to announce the new plant. Chesterfield has given the utility approval for a new power plant that would be built adjacent to its Chesterfield Power Station at Dutch Gap. The company said Chesterfield is still in consideration for a plant that would be built in 2019, similar to the one in Brunswick. The Brunswick site provides the best alternative to replace generation Dominion Virginia Power is losing with the retirement of several coal-fired units in Hampton Roads, the company said. Dominion Virginia Power announced last September that it plans to close several coal-fired units at its Chesapeake Energy Center in Chesapeake and Yorktown Power Station by 2016. The company said it is more cost-effective to retire those units than install environmental control equipment necessary to meet new federal regulations. "This plant is necessary because of new federal air pollution rules," Farrell said of the Brunswick plant. "When you put all the pieces together, the need for this particular facility locating in Brunswick made the most sense." The new plant, Farrell said,

also will help reduce the need to import power from other states. "Reducing our reliance on the regional wholesale electricity market ... reduces the volatility that affects prices we have to charge our customers," Farrell said.

From Early Bird Editorial: Purloined Letters: Climategate II? Two and a half years ago, emails unflattering to some prominent climatologists that were purloined from the University of East Anglia's Climate Research Unit sparked a furor. The episode came to be known as Climategate and inspired Virginia Attorney General Ken Cuccinelli's inquiry into Michael Mann's tenure at UVA. Peter Gleick, a climate-change activist, might have been hoping to provoke a similar furor when he used subterfuge to obtain internal papers of the Heartland Institute, a Chicago-based think tank that has challenged the orthodox view of global warming. Gleick has since apologized for what he calls a "serious lapse of my own professional judgment" — motivated, he said, by his frustration over Heartland's efforts to cast doubt on the mainstream view of climate change. Like the Climategate emails, the Heartland documents are less damning than antagonists might hope. The most controversial is a plan to develop a curriculum that would cast debate over climate change as a "major scientific controversy."

NORFOLK VIRGINIAN-PILOT

From Early Bird Dominion to build Brunswick County power plant Dominion Virginia Power announced today that it plans to build a new natural-gas-fired power plant in Brunswick County. The power company projected it would spend \$1 billion on the plant to generate more than 1,300 megawatts of electricity — enough to power more than 325,000 homes. Dominion, based in Richmond, expects to file its proposal to the State Corporation Commission later this year, according to a written statement. If it receives commission approval and required environmental permits, the station would begin operation by summer 2016. The plant would help serve Hampton Roads customers after Dominion closes its coal plant in Chesapeake, the company wrote in the statement. Dominion announced last year that it planned to shutter the Chesapeake Energy Center by 2016 because upgrades to meet new environmental regulations would cost too much.

NEWPORT NEWS DAILY PRESS

From Early Bird Surry planners recommend adding coal plant restrictions SURRY — The Surry County Planning Commission is recommending that the Dendron Town Council stiffen requirements before it considers Old Dominion Electric Cooperative's conditional use permit for a second time next week. After a five-hour public hearing Monday, county planners approved changes to the town's comprehensive plan and a conditional-use permit — with a couple of additional restrictions — for the company's controversial coal-fueled power plant. Of more than 75 speakers, 55 were against the proposed Cypress Creek Power Station, a \$5 billion project that would become the state's largest coal-powered energy plant if built. An estimated 300 people packed the Surry County High School auditorium for the hearing, a repeat the original February 2010 vote that was voided after a citizen's successful lawsuit against the Dendron Town Council and Old Dominion. The Planning Commission unanimously approved adding a clause that specifically states that the landfills on the site would only take ash and waste generated by an on-site power company. That came after multiple speakers said they feared that the company would use its 1,300 acres in Dendron for a landfill if the property didn't qualify for more than 50 mandated state and federal environmental permits that are pending.

From Early Bird Sewer bills to increase in Newport News NEWPORT NEWS — Sewer rates could nearly double in a few years — or even climb even higher — to comply with a U.S. Environmental Protection Agency consent order designed to protect the Chesapeake Bay watershed. Newport News is part of the Hampton Roads region's 2007 consent order with the EPA and Virginia Department of Environmental Quality that mandates communities modernize sewer systems. The order is designed to reduce sewage overflows into the Chesapeake Bay's waterways. "We in the city of Newport News have had relatively few overflows, but we're considered part of the regional solution," said Everett Skipper, the city's engineering director. A number of rate scenarios still exist, but for 2012-13 the city's engineering and public works departments have proposed an initial 10 percent rate increase, which means a bill for a typical user would increase about \$20 per year, to \$400. It probably will be the first of many rate increases to comply with the order, which requires that communities repair and replace old pipes and upgrade sewer

pump stations. Under one better-case scenario, bills for a typical Newport News user would increase to about \$750 per year. "It's going to be costly," said public works director Reed Fowler. "We're still fighting for the best deal that we can."

STAUNTON NEWS LEADER

From Early Bird Study raises doubts about EPA's model A study released this month by one federal agency may supply critics of another's Chesapeake Bay cleanup plan with more ammunition. Among the findings of the United States Geological Survey study, "Sediment Sources and Transport in the Chesapeake Bay Watershed," is that forested areas account for 2 percent of sediment entering waterways in the Chesapeake Bay Watershed. According to the Environmental Protection Agency's latest model, forest accounts for more than 15 percent of the sediment degrading the bay — 7.5 times as much. The EPA's model is guiding mandated reductions of phosphorous, nitrogen and sediment among bay watershed states, a cleanup strategy that could cost Virginia more than \$15 billion dollars to implement, according to a State Senate Finance Committee report released last November. But discrepancies in the model and questions about how the data is collected have undermined support for the plan among some groups and led the American Farm Bureau filing a federal lawsuit to halt implementation of the plan until questions about the model are resolved. "I'm not convinced that the bay model is accurate or even close to accurate," said Virginia Department of Forestry Assistant Director of Forest Management for Water Quality Matt Poirot. "There's a lot of assuming that's being done, and right or wrong, it's going to take years to get the model close to being right." The department has questioned the pollution numbers attributed to forest for years, said Virginia Department of Forestry Water Quality Program Supervisor Bill Lakel, but has yet to receive a detailed explanation. "I can't tell you exactly where they got their numbers for the bay pollution model," said Lakel, who holds a Ph.D. in forest hydrology. "It seems high. The 2 percent seems more in line with my experience and the studies I've seen." "I think the EPA is erring on the side of caution. There's just so much sediment I don't think the EPA knows where it is coming from," he said. "The numbers they have (in the model) are the numbers they want to have."

VIRGINIA GAZETTE

From Early Bird Project Osprey seeks public's help WILLIAMSBURG — Do you have an osprey nest in your neighborhood? If so, the Center for Conservation Biology at the College of William & Mary wants to hear from you—on a regular basis. The Center has just launched Project OspreyWatch, a web-based initiative created to engage a global community of citizen ornithologists to collect data on breeding ospreys. "Ospreys are a charismatic species," said Bryan Watts, CCB director. "Many people with waterfront property have a nest on their dock or near their house. They like comparing notes about the activity of 'their' birds." Watts said that ospreys will be returning to their North American breeding grounds in early to mid March, "so right now is the best time to sign up to be an OspreyWatcher." The birds often mate for life and the pairs like to build nests near water or on structures over water. North American ospreys breed from Newfoundland south to Florida. The Chesapeake Bay and its tributaries are prime nesting grounds, but ospreys are found on every continent but Antarctica and in freshwater, brackish and saltwater habitats.

EXAMINER.COM

From Early Bird Synagro LLC fined for storing and handling of sewage sludge in three Va. counties The Virginia Department of Environmental Quality (DEQ) slapped Synagro LLC with a civil fine while the latter also agreed to push forward with resolutions regarding sewage sludge violations in three counties in Virginia. The DEQ cited Synagro for improperly storing and handling sewage sludge on farms in Fauquier, Goochland, and Essex counties. Water containing sludge running off the farms into adjacent streams were involved in the environmental violations. According to the Free Lance-Star, the VA DEQ imposed a \$65,000 fine. However, Synagro has proposed paying \$16,250 of the fine and completing a "supplemental" environmental project to make up the \$48,750 difference. The environmental project is purportedly designed to prevent excessive amounts of nitrogen in treated

sludge from making its way into the Chesapeake Bay from farm fields. While the monetary values of the environmental violations may be a legitimate form of punishment for companies who transgress these environmental regulations, fines don't necessarily bring back the ecosystems and wildlife that is potentially lost due to negligence or other forms of unlawful conduct

MARTINSVILLE BULLETIN

Council will pay penalty over spill Almost \$16,450 in penalties that Martinsville owes the state due to a chemical spill into Jones Creek last fall will be taken from the city water department's budget, according to Interim City Manager Leon Towarnicki. It will not affect the department much, he surmised. Martinsville City Council on Tuesday voted unanimously to pay the money. "We don't have a choice, do we?" said Councilman Gene Teague. Actually, the city could file a lawsuit to challenge the penalty. However, City Attorney Eric Monday suggested against pursuing that option, not knowing what the outcome would be and how much the city ultimately might have to pay if it lost the suit. About 1,000 gallons of fluorosilicic acid — also known as fluoride — leaked from a tank at the city water treatment plant off Clearview Drive on Oct. 16, according to city Emergency Management Coordinator Bobby Phillips. Fluoride, a chemical version of the element fluorine, is used in many public water supplies to help prevent tooth decay. The State Water Control Board determined that the spill caused the deaths of an estimated 4,445 fish, and the city violated state code, a consent order shows. The estimate was made using American Fisheries Society methods. Phillips said the Virginia Department of Environmental Quality (DEQ) never told the city what types of fish died. However, they were "very, very small fish," he said, to his understanding. He blamed the leak mainly on a valve accidentally being left open, but he said the failure of a transfer pump was a contributing factor.

ENVIRONMENTAL EXPERT

Roanoke to receive EPA smart growth assistance PHILADELPHIA -- The U.S. Environmental Protection Agency today announced that Roanoke, Va., will receive technical assistance through the Building Blocks for Sustainable Communities program. EPA has set aside \$750,000 to fund sustainability audits for 56 communities in 26 states in 2012. The funds will be paid to private-sector contractors who will work with community officials to compile a list of areas that need attention. These technical experts will help develop solutions to improve the local economy, the environment, and quality of life. Some examples may include improving pedestrian access and safety, incorporating green infrastructure, or conducting an economic and fiscal health assessment.

MISCELLANEOUS

BLOOMBERG BUSINESS NEWS

From Early Bird EPA Greenhouse Gas Rules Under Scrutiny in Two-Day Hearing The U.S. Environmental Protection Agency's limits on vehicle and industrial emissions of greenhouse gases including carbon dioxide are being scrutinized by U.S. judges as a two-day court hearing began in Washington. The three-judge panel of the U.S. Court of Appeals is considering challenges to the agency's finding that greenhouse gases are pollutants that endanger human health, and to rules determining when states and industries must comply with regulations curtailing their use. Companies such as Massey Energy Co., business groups including the U.S. Chamber of Commerce and states led by Texas and Virginia are seeking to stop the agency through more than 60 lawsuits. They argue that the agency relied on biased data from outside scientists, including some affiliated with the so-called climategate scandal. "To win here you have to make an argument that the EPA's decision was arbitrary and capricious," U.S. Circuit Judge David Tatel told a lawyer for one of the opposing groups during the almost three-hour hearing. In 2007, the Supreme Court ruled that the EPA had authority to regulate greenhouse gases such as carbon dioxide and methane under the Clean Air Act if the agency declared them a public danger. The EPA issued a so-called endangerment finding in December 2009,

clearing the way for regulation of emissions from power plants, factories and other sources linked to global climate change. "EPA made an inadequate endangerment finding," Patrick Day, a lawyer for the Coalition for Responsible Regulation Inc., told the judges today. He said the agency "erroneously decided to completely divorce risk assessments from policy consequences."

BNA DAILY ENVIRONMENT REPORT

From Early Bird Jackson Says Administration Made 'Tough Choices' in 2013 Budget The Obama administration's proposed fiscal year 2013 budget cuts to state water funds and the superfund program are "tough choices" made necessary by the current fiscal situation, EPA Administrator Jackson tells a hearing of two House Energy and Commerce subcommittees. Jackson says the proposal reflects a commitment to reduce government spending in a responsible manner while supporting EPA's core mission of ensuring clean air and water.

From Early Bird EPA Faulted in Oral Arguments Over Greenhouse Gas Emissions Rules EPA failed to consider the policy consequences of its determination that greenhouse gas emissions from vehicles should be regulated under the Clean Air Act and whether its regulations would effectively address climate change, industry groups argue in federal appeals court. The endangerment finding issued in 2009 is "incomplete in its attention to the policy consequences of its subsequent regulations," Patrick R. Day, a partner at Holland & Hart LLP representing the Coalition for Responsible Regulation and other industry groups, says during oral arguments. The U.S. Court of Appeals for the District of Columbia Circuit is considering a series of lawsuits challenging EPA actions on greenhouse gases.

From Early Bird EPA to Reinterpret Policy on PCB-Treated Materials to Accelerate Cleanups EPA says it will reinterpret its position on disposing of building materials treated with polychlorinated biphenyls to allow for "accelerated cleanups" and a "straightforward path for disposal." Under the proposed revisions, to be announced today, building materials "coated or serviced" with materials containing PCBs, such as caulk, paint, sealants, and mastic, would be treated as "bulk waste products." Bulk waste products typically are removed and disposed of more quickly. Building materials that have had PCB-containing products removed before disposal would be regulated as "remediation waste." Disposal of remediation waste generally takes more time and is more costly.

From Early Bird EPA Says Tier 3 Gasoline Rule Would Raise Gas Prices by 1 Cent Per Gallon A yet-to-be-released proposal to reduce sulfur content in gasoline would raise the cost of gasoline by 1 cent per gallon, a top EPA official says. EPA is expected to propose in March its Tier 3 standards for gasoline and light-duty vehicle emissions. The agency understands "that even minimal increases in the cost of gasoline are of importance to the American public," which is why "the only fuel requirement we are considering for Tier 3 is one that would lower the amount of sulfur in gasoline," Gina McCarthy, EPA assistant administrator for air and radiation, says in a letter to Rep. Whitfield, chairman of a House Energy and Commerce subcommittee.

From Early Bird White House Reviewing EPA Final Rule on Standards for Nitrogen, Sulfur The White House begins review of a final rule to set secondary national ambient air quality standards for nitrogen oxides and sulfur oxides. When it proposed the rule in 2011, EPA said it intends to retain the existing secondary standard of 0.053 part per million for nitrogen dioxide, averaged annually, and the standard of 0.5 ppm for sulfur dioxide, averaged over three hours.

NEW YORK TIMES

From Early Bird The Sturgeon's Looming Endangered Listing Commercial fishermen along the East Coast will soon have to begin reducing their bycatch of Atlantic sturgeon in response to the fish's new federal status as an endangered species. With the listing set to become official on April 6, the National Oceanic and Atmospheric Administration is working with the fishing industry on ways in which it can minimize incidental catches. Restrictions could vary with each fishery, according to a NOAA biologist, Kim Damon-Randall, who indicated that while the listing would take effect soon, the limits would be phased in over a period of years. "We're consulting with

industry representatives now,” she said. The ruling by the agency’s National Marine Fisheries Service covers sturgeon in the New York Bight, which includes the Hudson and Delaware rivers, and the Chesapeake, Carolina and South Atlantic populations. The Gulf of Maine population is designated as threatened, a less severe category than endangered. Sturgeon numbers have plummeted by as much as 99 percent in some areas of the East Coast, and while NOAA has not yet developed a recovery plan, the new listing could affect as many as 42 fisheries, particularly those that support the gillnetting of monkfish and spiny dogfish, pound-netting of striped bass and trawling for flounder.

HUFINGTON POST

From Early Bird Appalachian Community Health Emergency Kick Starts *Mountaintop* Removal Campaign in Washington, D.C. Besieged residents living amid the fallout of the mountaintop removal crisis in the central Appalachian coalfields are descending on Washington, D.C. today, as part of a new emergency health campaign calling for an immediate moratorium on "the toxic coal acquisition process that has been shown to be associated with heart-breaking birth defects, cardiac problems, lung problems and systemic failures in other human organs." Carting along reams of shocking peer-reviewed scientific studies that have been ignored by their own elected officials, the Appalachian Community Health Emergency (ACHE) marks the launch of a weekly frontline citizens initiative in Washington, D.C. with national human rights and health organizations to prod the Obama administration to enact a moratorium on mountaintop removal operations until a federal study and long-awaited Congressional hearings are carried out on the spiraling mountaintop removal mining health care crisis.

From Early Bird Green Your Money: Earth-Conscious Quakers Against *Mountaintop* Removal Before the end of chattel slavery in the United States, some people of faith refused to buy sugar produced by slaves. During apartheid many divested from companies working in South Africa. In that tradition of non-cooperation with injustice, the Earth Quaker Action Team is launching a new program called Green Your Money to encourage people of conscience to stop financing mountaintop removal coal mining, a devastating practice that the National Council of Churches describes as "dramatically damaging God's good Creation and impacting the health, homes, and lives of our neighbors in Appalachia." At their Feb. 29 kick-off event at Friends Center in Philadelphia, EQAT will announce that Quakers have already pledged to remove at least \$1.9 million from PNC Bank, one of the biggest financers of mountaintop removal. PNC claims to be a "green" bank with Quaker roots, part of the reason the group believes the bank is susceptible to consumer pressure. For two years EQAT has used nonviolent direct action to pressure PNC to stop financing companies that extract coal in a way that their website explains "has destroyed over 500 mountains and buried over 2,000 miles of stream, causing increased rates of cancer and birth defects for families across Appalachia."

LA TIMES

From Early Bird EPA chief defends cuts to beach water testing The head of the U.S. Environmental Protection Agency on Tuesday defended the Obama administration’s plan to eliminate federal funding for health testing at beaches nationwide, telling lawmakers that it is the role of state or local government to monitor whether water is too contaminated to swim in. At a House Energy & Commerce Committee hearing, EPA Administrator Lisa P. Jackson faced criticism from coastal area lawmakers over the proposal to do away with \$10 million in grants it has given each year to state and local agencies to test for tainted water. Jackson called the cuts “one of the tough choices” in the agency’s new budget, adding: “This is simply the federal government saying that this really is a state or local function. It’s best done that way ... and that our time for funding this ... is over and it’s time for those communities to take over.” Before announcing the cutbacks two weeks ago, the agency had credited its grant program with tripling the number of beaches nationwide that are monitored for pathogens. Local health officials use test results to post warning signs or even close beaches when bacteria levels indicate the water is too contaminated. “I’m just afraid that without these grants the trend will reverse itself and many states will just choose to stop monitoring many of their beaches,” Rep. Frank Pallone Jr. (D-N.J.) told Jackson during Tuesday's hearing.

ASSOCIATED PRESS

From Early Bird Fire in the Pinelands, on purpose LACEY TOWNSHIP, N.J. - Where there's smoke, there's fire.

But where there's fire, there's not always a forest fire, local residents found out to their relief. A controlled burn Friday sent plumes of smoke wafting across the Garden State Parkway, to the alarm of nearby residents. A sign near the roadside - directly in front of the flames - assured passersby that the state Forest Fire Service was conducting a controlled burn. New Jersey environmental authorities say they are conducting such burns in wooded areas around the state. The small and closely monitored fires are designed to burn leaves, pine needles, cones, small branches, and other flammable materials on the forest floor to prevent them from becoming fuel in a larger blaze. Steve Maurer, a warden with the Forest Fire Service, said nearly 15,000 acres had been treated since October. "Anything that can carry the fire up into the trees is what we look for and get rid of," he said. New Jersey's prime forest-fire season starts in late March or early April. In 2007, a forest fire burned nearly 17,000 acres of the Pinelands, one of the largest fires in recent history. That blaze was sparked by a National Guard pilot on a training mission who dropped a flare into tinder-dry Pinelands. But fire is a natural aspect of the Pinelands and plays a key part in its ecology. The heat from forest fires causes some trees to drop their seeds into the soil, generating new trees, and the flames clear out dead ones.

THE TENNESSEAN.

From Early Bird Mountaintop removal foes try new strategy Conservationists stymied for several years in efforts to pass a bill to ban the dynamiting of Tennessee's ridgetops for coal have taken a new tack. They wrote to Nissan, Gaylord Entertainment, TVA, FedEx, the University of Tennessee and a slough of other members of the Tennessee Chamber of Commerce & Industry, asking if they know about the chamber's "ardent opposition" to the bill. The conservationists appealed to the fact that many of the chamber supporters promote care for the environment. "It is our belief that you will be troubled to learn that your membership dues are used to lobby against Tennessee's mountains," said the letter from Mary Helen Clarke, board president of the Tennessee Conservation Voters, a nonpartisan, statewide coalition of 24 organizations. "Together, we can help Tennessee make a better choice on this important economic development issue." She said that for five years the chamber has been a primary opponent of the bill, called the Tennessee Scenic Vistas Protection Act. Bill Ozier, an attorney with Bass, Berry & Sims and chairman of the chamber board, is among those who received the letter. "The board has not really looked at it to take a position since 2009," he said. "The chamber felt the compromise passed in 2009 addressed the issue." A key provision in that bill added a 100-foot buffer around streams to try to guard them from mining operations. Conservationists, while they wanted a buffer, didn't view the bill as a substitute. The scenic vistas legislation, Senate Bill 0577, is on the agenda at 10:30 a.m. today of the Senate Environment and Energy Committee at Legislative Plaza. Ozier said the chamber is focused on achieving a balance between business and the environment, adding that the chamber and most businesses are looking for a way to serve both interests. "Clearly the chamber supports the environment and protecting the scenic beauty of Tennessee," he said.

From Early Bird Editorial: Pass bill to protect Tennessee's mountains "I'm not in favor of mountaintop removal, OK? I'm not. But I'm also not willing to say that we're not going to mine coal in Tennessee anymore." — Bill Haslam --- Tennessee's then-candidate for governor made this statement during a 2010 campaign debate. But now, as the General Assembly takes up a bill that would ban mountaintop-removal mining in Tennessee, would be the time for Gov. Haslam to throw solid support behind the Scenic Vistas Protection Act. The governor is right on both counts. The state should not legislate away coal mines, but it should stop the practice of devastating our scenic heritage. This act bans only the mountaintop removal method of surface mining. It's a reasonable proposal that the coal industry should accept for the good of its business and the health of our state. It opposed the bill in 2010 — and succeeded in blocking a vote — and it opposes the bill in 2012. However, this is a poorly chosen fight for the industry. Time is not on their side. Recent studies of Central Appalachia mining have shown that coal production in Tennessee has declined since 1985. Only 0.2 percent of coal produced in the U.S. comes from Tennessee. TVA, potentially the industry's biggest customer in this state, actually purchases more of the efficiently burning type of coal found in the Western U.S. than it does local coal. Also, TVA is in the midst of a long-term effort to phase out coal-burning plants in favor of cleaner, more sustainable fuel sources. As surface mining (including mountaintop removal), which uses fewer workers and is not safer for those who remain, has increased as a share of production, coal-mining jobs have fallen. By 2008, the state's coal production was concentrated in six counties along the Cumberland Plateau and the Cumberland Mountains, employing only 558 people.

ECOSYSTEM MARKETPLACE

\$10 Million in the Balance: Two Days Left to Apply for Grants **29 February 2012** | Time is running out for those looking to apply for \$10 million in Conservation Innovation Grants (CIG) that the United States Department of Agriculture (USDA) is offering to help launch water-quality trading (WQT) programs across the country. The grants are especially targeted at cross-border programs focusing on quality across watersheds (rather than just within state boundaries) and at programs that create the kind of infrastructure needed for well-functioning markets. Eligible projects must be able to show that they can already cover more than half of their costs with funding from non-federal sources, and the projects must also involve producers who are eligible for the Environmental Quality Incentives Program (EQIP), which is a voluntary conservation support program running under the USDA's Natural Resources Conservation Service (NRCS). If you have an idea, however, you have to act fast: the deadline to apply is Friday, 2 March. Half the money is targeted at projects in the Chesapeake Bay watershed, which includes the District of Columbia and parts of New York, Pennsylvania, Delaware, Maryland, Virginia, and West Virginia. The other half can be anywhere in the US or its territories, including Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands. **How to Get Details** Agriculture Secretary Tom Vilsack announced the grant on 13 January, and the USDA hosted a webinar on 24 January offering more details. The original announcement is available here, and the webinar is available here.

MSNBC.COM

Statements from EPA, Congress about radon report *In addition to obtaining a statement from the EPA, Rossen Reports reached out to the chairs and ranking members of environmental committees, asking why Congress has not done more about radon testing in public schools. Rep. Fred Upton, Rep. Henry Waxman and Sen. James Inhofe responded with statements.* EPA statement: “EPA strives to reduce children's risks from radon exposure at home and in school. While the most significant possible risks are at home, where kids and families spend most of their time, radon can be a concern at school as well. EPA strongly recommends that both homes and schools are tested for radon, and that action is taken when high levels are found. The good news is that if high levels of radon are detected, the solutions are practical, effective, and affordable. Although EPA and the federal government are facing difficult budget challenges, EPA will continue the fight against radon exposure. Radon is a significant and preventable public health risk, and testing for radon and reducing high levels are important steps everyone should take to protect the health of their family. Along with leading joint federal efforts to reduce radon exposure, EPA will continue to work with states on testing for radon, addressing high levels in homes and schools, and building radon-resistant homes and schools.”

Rossen Reports: Is your child breathing radon gas at school? *What experts call a serious threat in our nation's schools is invisible to the naked eye. TODAY National Investigative Correspondent Jeff Rossen reports.* When we send our children to school, we assume that they're safe; that they're learning in a healthy environment. But health officials say there's a danger in the air: a toxic cancer causing gas in thousands of classrooms nationwide. And, we found, many districts are doing nothing about it. We visited a school in Pennsylvania and found second-graders are ready to learn. But what the kids can't see, smell or taste are high levels of radioactive radon gas inside their classrooms. Tests show nearly double the EPA's accepted limit. Radon develops from the breakdown of soil and rock, seeping into buildings and the air we breathe. Chronic exposure, experts say, could be deadly. And perhaps most disturbing, victims usually don't realize they have been exposed until years later, when it's too late. Next to smoking, it is the leading cause of lung cancer — according to the EPA, linked to more than 20,000 deaths every year. “Of all the environmental exposures you get, this is the one that causes the most deaths,” said Bill Field, one of the foremost experts on radon.

INSIDE CLIMATE NEWS

New Map Shows Location of Nation's Most Toxic Industrial Boilers

Most of the biggest polluting industrial boilers are in manufacturing states east of the Mississippi River, but 68 dot the West coast states. WASHINGTON—Industries in North Carolina, Pennsylvania and South Carolina will have the most catching up to do when—and if—EPA begins forcing factory owners to tackle toxic emissions from boilers

powering their manufacturing plants. That's what Earthjustice discovered recently by creating a map pinpointing the whereabouts of the 1,753 industrial boilers that would be forced to curb pollutants under new regulations crafted by the Environmental Protection Agency. The bulk of the "offending" boilers are operating in manufacturing-heavy states east of the Mississippi River.

THE DAILY CALLER

Va. AG Cuccinelli: 'The EPA has violated the law here' The U.S. Court of Appeals for the District of Columbia is considering challenges this week to the Environmental Protection Agency's determination that carbon dioxide and other greenhouse gases are pollutants and subject to federal regulation. In addition to suits on the part of a number of companies and business groups, Virginia and 14 other states charge that the EPA violated its own rules by using data from the United Nations Intergovernmental Panel on Climate Change (IPCC), rather than internal research, in order to make the initial greenhouse gas endangerment findings. The states also charge that the EPA violated the law by failing to reopen hearings in light of new data.

"It is our view that the EPA has violated the law here," Virginia Attorney General Ken Cuccinelli said on a conference call with reporters on Tuesday. "We don't file lawsuits because we don't like policies. We only file lawsuits if they break the law, and here the EPA has broken the law by relying on — among other ways — by relying on IPCC data rather than doing its own research."

FIRSTSCIENCE

Mercyhurst research aims to predict impact of invasive forest pest ERIE, PA - Mercyhurst University biologists have received a \$30,000 grant to study the impact of cold winter temperatures on the hemlock woolly adelgid, a small, aphidlike insect that is decimating the hemlock trees of eastern U.S. forests. "The adelgid is considered one of the greatest threats to our eastern forests; already it has spread to 18 states, from Maine to Georgia," said Michael Elnitsky, assistant professor of biology, who wrote the proposal that earned Mercyhurst funding from the Pennsylvania Department of Conservation and Natural Resources (DCNR). "Pennsylvania is very much at the center of the range expansion of the adelgid, with infestation already across two-thirds of the state."